

BLUEPRINT CONFERENCE

WHAT IS THE JUVENILE COURT ALL
ABOUT?

WEDNESDAY, OCTOBER 23, 2008

BLUEPRINT CONFERENCE

- JUDGE LEN EDWARDS (Ret)
- Judge-in-Residence
- California Administrative Office of the Courts
- Leonard.edwards@Jud.ca.gov

WHAT IS JUVENILE COURT ALL ABOUT

- This conference is about improving outcomes for foster youth.
- Most of you are educators and are interested in helping foster youth achieve their educational goals.

WHAT IS JUVENILE COURT ALL ABOUT

- Understandably, you have some questions about foster youth....such as
- What is a foster youth?
- How does one become a foster youth?
- What is the role of Child Protective Services?
- What is the role of the Children's Services Agency?
- What is the role of the juvenile court?

WHAT IS JUVENILE COURT ALL ABOUT

- If these are some of your questions, you have come to the right place.

WHAT IS JUVENILE COURT ALL ABOUT

- I. THE CHILD PROTECTION SYSTEM
 - What is it?
 - Why do we need it?

THE CHILD PROTECTION SYSTEM

- An estimated 1,500 children die each year from an injury resulting from abuse or neglect.
- That's about 2 per 100,000 children in the general population.
- That's about 4 deaths each day.

THE CHILD PROTECTION SYSTEM

- The most vulnerable children are under 3 years of age.
- About 40% die from neglect alone.
- About 22% are caused by physical abuse.
- Another 30% are caused by multiple maltreatment.

THE CHILD PROTECTION SYSTEM

- About 900,000 children are victims of abuse and neglect every year.
- That's 12.3 children per 1,000 children
- Children 0-3 are most likely to experience abuse.

THE CHILD PROTECTION SYSTEM

- CONSEQUENCES:
 1. 80% of young adults who had been abused met the diagnostic criteria for at least one psychiatric disorder at age 21.
 2. Abused children are 25% more likely to experience teen pregnancy.
 3. They are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult and 30% more likely to commit violent crime.

THE CHILD PROTECTION SYSTEM

- 4. Children who have been sexually abused are 2.5 times more likely to experience alcohol abuse.
- 5. Children who have been sexually abused are 3.8 times more likely to develop drug addictions.
- 6. Nearly 2/3rds of the people in treatment for drug abuse report being abused as children.

THE CHILD PROTECTION SYSTEM

- These statistics come from the Centers of Disease Control and Prevention and the Federal Administration for Children and Families.
- <http://www.cdc.gov/mmwr>

THE CHILD PROTECTION SYSTEM

- II. The Child Protection System
- The child protection system was established to prevent child abuse, protect children who have been abused, and, if necessary, intervene so they can be reared in a safe home environment.

THE CHILD PROTECTION SYSTEM

- There will always be a tension between society's desire to protect children and society's desire to uphold family integrity.
- Some will say that we do not do enough to protect children from abuse and neglect.
- Some will say that we are intruding too much into family life.

THE CHILD PROTECTION SYSTEM

- How do we learn about child abuse and neglect?
- From doctors, teachers, day-care providers, neighbors and from children themselves.

THE CHILD PROTECTION SYSTEM

- Each state has a Mandatory Reporting Law requiring certain professionals to report suspected child abuse/neglect to child protective services or to law enforcement.

THE CHILD PROTECTION SYSTEM

- Child abuse/neglect reports are investigated and the most serious situations may result in removal of the child and court proceedings.
- There are over 3,000,000 child abuse/neglect reports annually.

THE JUVENILE COURT

- Child abuse and neglect cases are heard in the juvenile court.
- In some states this is called the family court.
- The court structure varies from state to state.

THE JUVENILE COURT

- The legal proceedings start with the filing of a petition regarding a child.
- A petition is a legal document stating that certain events have taken place and that as a result the court should intervene on behalf of a particular child.
- A petition is a charging document.

THE JUVENILE COURT

- Once the petition is filed, certain court events must happen according to statutory timelines.

THE JUVENILE COURT TIMELINES

- - Removal
- - 48 Hours to Filing of Petition
- - 24 Hours to Initial Hearing (Shelter Care)
- - 15 Court Days to Adjudication (trial)
- - 10 Court Days to Disposition
- - 6 Month Review
- - 12 Month Review
- - 15 Month Review – Permanency Planning

THE CHILD PROTECTION SYSTEM

FIGURE 5.1: Juvenile Dependency Proceedings (Welfare and Institutions Code 300 et seq.)

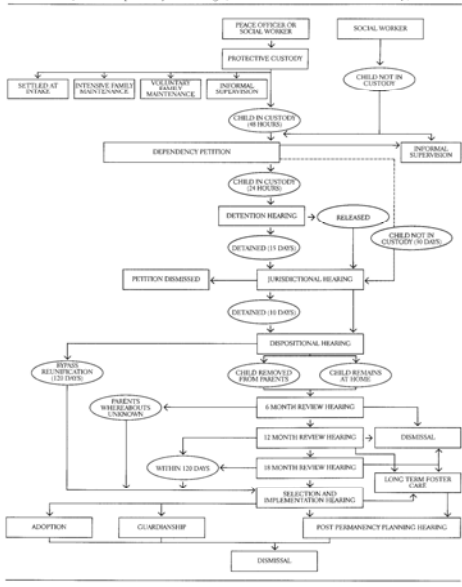
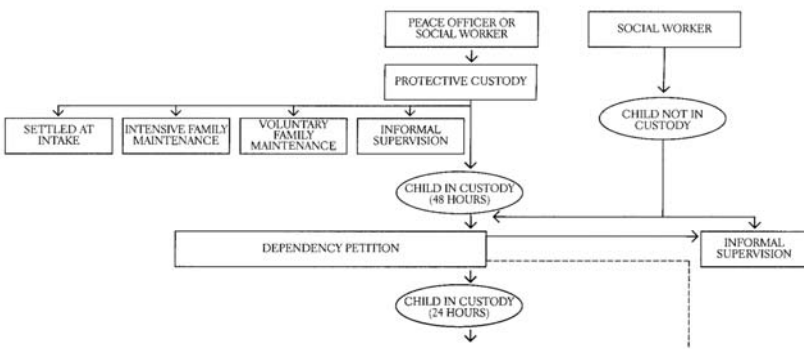
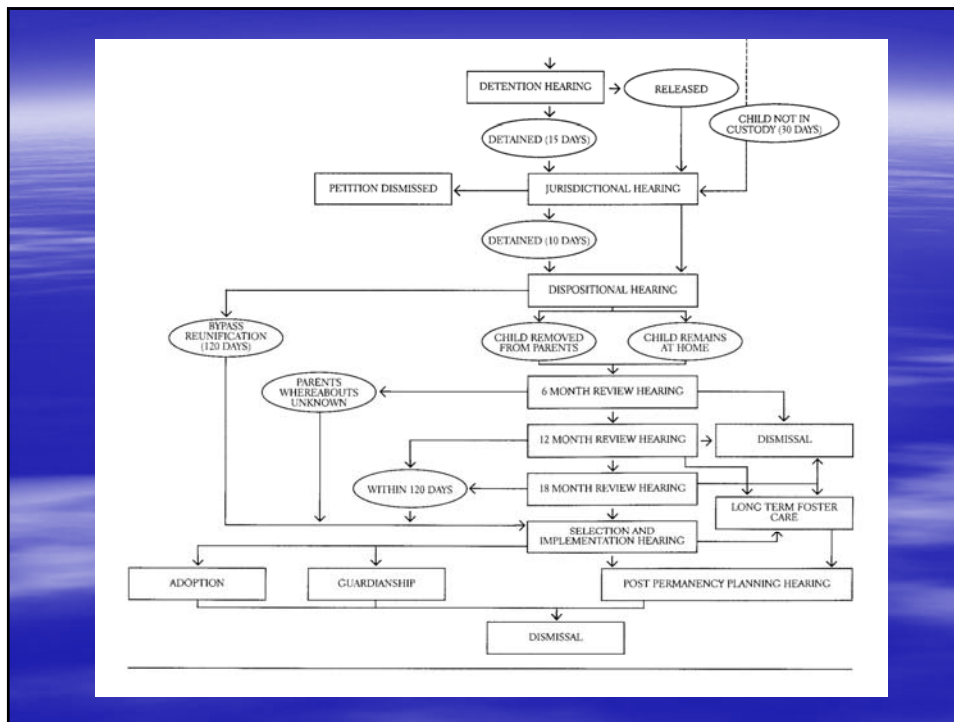


FIGURE 5.1: Juvenile Dependency Proceedings (Welfare and Institutions Code 300 et seq.)





THE JUVENILE COURT

- At the initial hearing the parents are present and told what that petition states.
- In most states they are appointed counsel (an attorney) at state expense if they are indigent.
- The child is appointed an attorney or a guardian *ad litem* and possibly a CASA (a trained volunteer).

THE JUVENILE COURT

- The court will make many decisions at this hearing:
- Who is the father.
- Whether there might be Native American heritage.
- Where the child will live on a temporary basis.
- What visitation the parents will receive.

THE JUVENILE COURT

- At the adjudication hearing, the court will decide if the allegations (charges) regarding the child are true. This is the trial stage.
- Most adjudications are admitted by the parents.

THE JUVENILE COURT

- At the Disposition, the court will decide whether the child needs the protection of the court.
- If so, the court will decide:
 - 1. Whether the child will be removed from parental care and, if so where the child will live.
 - 2. What services the parents will participate in.
 - 3. Other issues relating to the care of the child and parental contact with the child.

THE JUVENILE COURT

- Thereafter the court will review the progress the parents are making in their efforts to reunify with the child.
- These reviews will go on for anywhere from 6 months to 18 months or even 2 years.

THE JUVENILE COURT

- At every hearing the court will decide whether the child can safely be returned home or whether it is be unsafe for the child to return.
- After 12 or 18 months if the child is unable to return to parental care, the court will end reunification efforts and determine what the permanent plan will be for the child.

THE JUVENILE COURT

- The possible permanent plans are
 - 1. Return home to a parent.
 - 2. Adoption (preceded by termination of parental rights.
 - 3. Guardianship
 - 4. Placement with a relative
 - 5. Long term care in a foster home, a group home, or a private institution.

THE JUVENILE COURT

- The last choices (foster care, group home, and private institutional care) are the least favored placements.
- They are not permanent.

THE JUVENILE COURT

- Many children never find a permanent home.
- As a result many youth “age out” of foster or group home care each year.
- These youth have no family or a family that can support them through the difficult years between 18 and 25.

THE JUVENILE COURT

- We know that youth aging out of foster care do not do well in life.
- Compared to youth living with families, these youth are much more likely to
 - Be imprisoned
 - Go on welfare
 - Not complete schooling
 - Be homeless
 - Lose their children to the child protection system.

THE JUVENILE COURT

- All foster youth need the support of the community, but those aging out of the system, in particular, need the support of the community.
- It is these youth who need the support of educational institutions such as yours.

THE JUVENILE COURT

- Strong data support the notion that foster children will do well if supported after age 18
- Some states permit youth to remain under state supervision until age 21.
- In these states (Illinois, for example) youth are just as likely to complete educational goals as non-foster youth.

THE JUVENILE COURT

- My hope at this conference is that you will take back to your school the information and the desire to reach out to the foster youth in your community and make it possible for them to fully participate in your educational institution.

CONTACT INFORMATION

- Judge Leonard Edwards (ret)
- Judge-in-Residence
- Center for Families, Children & the Courts
- California Administrative Office of the Courts
- 455 Golden Gate Avenue, 6th floor
- San Francisco, CA 94102
- Leonard.edwards@jud.ca.gov